

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

WSOU INVESTMENTS, LLC D/B/A BRAZOS LICENSING AND DEVELOPMENT, <i>Plaintiff,</i> v. HUAWEI TECHNOLOGIES USA INC. ET AL., <i>Defendants.</i>	§ § § § § § § § § §	CIVIL ACTION No. 6:20-CV-889-ADA CIVIL ACTION No. 6:20-CV-891-ADA CIVIL ACTION No. 6:20-CV-892-ADA CIVIL ACTION No. 6:20-CV-893-ADA CIVIL ACTION No. 6:20-CV-916-ADA CIVIL ACTION No. 6:20-CV-917-ADA
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JOINT CLAIM CONSTRUCTION STATEMENT

TO THE HONORABLE COURT:

Pursuant to the scheduling orders in these cases, the Parties jointly submit this claim construction statement.

A. -889, -891, and -892 Cases

-889 Case, United States Patent No. 6,704,304 (Disputed)		
Claim Term/Phrase	Plaintiff's Construction	Defendant's Construction
“means for determining whether a call should be routed over said PSTN or said core packet network” (claim 3) [Proposed by Both]	Subject to 35 U.S.C. § 112, ¶ 6. Agreed Function: “determining whether a call should be routed over said PSTN or said core packet network”	
	Structure: programming to perform the algorithm disclosed at 1:55-62, 4:1-10, 4:19-25, and Figure 2 (blocks 203 and 205), and equivalents thereof	Structure: server system (13), as depicted in Figure 1, programmed to perform the algorithm disclosed at 1:55-62, 4:1-10, 4:19-25, and Figure 2 (blocks 203 and 205), and equivalents thereof.

-891 Case, United States Patent No. 7,406,260 (Disputed)		
Claim Term/Phrase	Plaintiff's Construction	Defendant's Construction
“masking alarms in the OCh paths in transmit direction” (Claim 1) / “masking alarms in the OCh paths in receive direction” (Claim 1) [Proposed by Defendants]	Plain and ordinary meaning	Indefinite
“wherein the step of analyzing alarms comprises the steps of:” (Claim 1) [Proposed by Defendants]	Plain and ordinary meaning	Indefinite
“masking alarms in the downstream OCh path in the transmit direction that are correlated with each alarm in the list” (Claim 1) [Proposed by Defendants]	Plain and ordinary meaning	Indefinite

-892 Case, United States Patent No. 7,460,658 (No Disputes)

Neither party asks the Court to construe terms in the -892 Case.

B. -893, -916, and -917 Cases

-893 Case, United States Patent No. 7,933,211 (No Disputes)

Neither party asks the Court to construe terms in the -893 Case.

-916 Case, United States Patent No. 7,406,074 (No Disputes)

Neither party asks the Court to construe terms in the -916 Case.

-917 Case, United States Patent No. 7,423,962 (Disputed)		
Claim Term/Phrase	Plaintiff's Construction	Defendant's Construction
<p>“load allocation alternative[s]” (claims 1, 5, 6, 9, 11, 12, 18, 22, 23, 24, 29, 33, 34, 35, 36, 40, 44, 45, 47)”</p> <p>[Proposed by Plaintiff]</p>	<p>directed logical node pair, which indicates the active and standby logical node</p>	<p>Plain and ordinary meaning</p>
<p>“maintenance means for maintaining logical nodes at least in first and second parallel physical cluster nodes capable of transmitting data” (claim 29)</p> <p>[Proposed by Both]</p>	<p>Subject to 35 U.S.C. § 112, ¶ 6</p> <p>Agreed Function: maintaining logical nodes at least in first and second parallel physical cluster nodes capable of transmitting data</p>	
	<p>Corresponding Structure: processor and memory of a network element (4:56-61) implementing the algorithm of 5:9-29, and equivalents thereof</p>	<p>Corresponding Structure: processor and memory of a network element implementing the algorithms of Fig. 2 and 5:9-29, and equivalents thereof</p>
<p>“execution means for changing, when a cluster node malfunctions, the load allocation of the logical nodes of the load allocation alternatives, the active logical nodes of which reside in the faulty cluster node, by changing the logical nodes from standby to active and the active nodes to standby” (claim 29)</p> <p>[Proposed by Both]</p>	<p>Subject to 35 U.S.C. § 112, ¶ 6</p> <p>Agreed Function: changing, when a cluster node malfunctions, the load allocation of the logical nodes of the load allocation alternatives, the active logical nodes of which reside in the faulty cluster node, by changing the logical nodes from standby to active and the active nodes to standby</p>	
	<p>Corresponding Structure: processor and memory of a network element (4:56-61), and equivalents thereof, and to extent an algorithm necessary, the algorithm at 5:62-6:3.</p>	<p>Corresponding Structure: None disclosed</p> <p>Indefinite for failure to disclose corresponding structure</p>

-917 Case, United States Patent No. 7,423,962 (Disputed)		
Claim Term/Phrase	Plaintiff's Construction	Defendant's Construction
	Not indefinite.	
<p>“defining means for defining an individual external routine address for each load allocation alternative, on the basis of which data is transmitted to the network element” (claim 29)</p> <p>[Proposed by Both]</p>	<p>Subject to 35 U.S.C. § 112, ¶ 6</p> <p>Agreed Function: defining an individual external routine address for each load allocation alternative, on the basis of which data is transmitted to the network element</p>	
	<p>Corresponding Structure: processor and memory of a network element (4:56-61) implementing the algorithm of 6:4-12, and equivalents thereof</p>	<p>Corresponding Structure: processor and memory of a network element implementing the algorithms of 6:4-12, and equivalents thereof</p>
<p>“load allocation means for distributing the traffic in the apparatus on the basis of a specific load allocation plan between the cluster nodes that comprise logical nodes” (claim 32)</p> <p>[Proposed by Both]</p>	<p>Subject to 35 U.S.C. § 112, ¶ 6</p> <p>Agreed Function: distributing the traffic in the apparatus on the basis of a specific load allocation plan between the cluster nodes that comprise logical nodes</p>	
	<p>Corresponding Structure: processor and memory of a network element (4:56-61), and equivalents thereof, and to the extent an algorithm is necessary, the algorithm of 6:13-18</p> <p>Not indefinite.</p>	<p>Corresponding Structure: None disclosed</p> <p>Indefinite for failure to disclose corresponding structure</p>
<p>“said maintenance means are also configured to maintain information on a primary and a secondary cluster node associated with the load allocation alternative” (claim</p>	<p>Subject to 35 U.S.C. § 112, ¶ 6</p> <p>Agreed Function: maintaining information on a primary and a secondary cluster node associated with the load allocation alternative</p>	

-917 Case, United States Patent No. 7,423,962 (Disputed)		
Claim Term/Phrase	Plaintiff's Construction	Defendant's Construction
33) [Proposed by Both]	Corresponding Structure: processor and memory of a network element (4:56-61) implementing the algorithm of 6:35-44, and equivalents thereof	Corresponding Structure: processor and memory of a network element implementing the algorithms of 6:35-44, and equivalents thereof
“changing means for changing load allocation in such a manner that after the switchover of a load allocation alternative, data is transmitted through a physical interface of the backup cluster node to the redundancy unit of the cluster node” (claim 34) [Proposed by Both]	Subject to 35 U.S.C. § 112, ¶ 6 Agreed Function: changing load allocation in such a manner that after the switchover of a load allocation alternative, data is transmitted through a physical interface of the backup cluster node to the redundancy unit of the cluster node	
	Corresponding Structure: processor and memory of a network element (4:56-61) implementing the algorithm of 11:64-12:15, and equivalents thereof	Corresponding Structure: processor and memory of a network element implementing the algorithms of Figs. 3 and 4, 6:35-7:25, and 7:50-8:16, and equivalents thereof
“switching means for transmitting data by using a routing address defined for the load allocation alternative even after a switchover of the load allocation alternative” (claim 35) [Proposed by Both]	Subject to 35 U.S.C. § 112, ¶ 6 Agreed Function: transmitting data by using a routing address defined for the load allocation alternative even after a switchover of the load allocation alternative	
	Corresponding Structure: processor and memory of a network element (4:56-61), and equivalents thereof, and to the extent an algorithm is necessary, the algorithm of 10:7-12	Corresponding Structure: processor and memory of a network element implementing the algorithms of 12:24-61, and equivalents thereof

-917 Case, United States Patent No. 7,423,962 (Disputed)		
Claim Term/Phrase	Plaintiff's Construction	Defendant's Construction
<p>“performing means for performing a switchover of a load allocation alternative inside the network element” (claim 36)</p> <p>[Proposed by Both]</p>	<p>Subject to 35 U.S.C. § 112, ¶ 6</p> <p>Agreed Function: “performing a switchover of a load allocation alternative inside the network element</p>	
	<p>Corresponding Structure: processor and memory of a network element (4:56-61), and equivalents thereof, and to the extent an algorithm is necessary, the algorithm of 10:34-38</p> <p>Not indefinite.</p>	<p>Corresponding Structure: None disclosed</p> <p>Indefinite for failure to disclose corresponding structure</p>

DATED: July 21, 2021

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